

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,

Plaintiff,

v.

Civil Action No. 04-11522-WGY

BANK OF AMERICA
CORPORATION,

Defendant.

PLAINTIFF'S MOTION FOR LEAVE TO SUBMIT REPLY MEMORANDUM

Pursuant to Local Rule 7.1(B)(3), Mr. Kincaid hereby moves for leave to submit the accompanying Reply Memorandum in support of Mr. Kincaid's pending Motion to Compel Production of Documents Evidencing the Factual Basis and Reasons for Defendant's Decision to Ask Alec Kotopoulos to Resign.

In support of this Motion, Mr. Kincaid states:

The Opposition to Plaintiff's Motion to Compel that the Bank filed yesterday evening, January 10, 2006, was marked by a disingenuousness and lack of candor which Mr. Kincaid

believes it is vital for the Court to understand in deciding Mr. Kincaid's Motion to Compel. Toward this end, Mr. Kincaid submits the accompanying Reply Memorandum in the belief that this Memorandum will be helpful to the Court in deciding the important issues presented.

Dated: January 11, 2006

Respectfully submitted,

A handwritten signature in black ink that reads "David J. Fine". The signature is fluid and cursive, with the first name "David" and last name "Fine" clearly distinguishable.

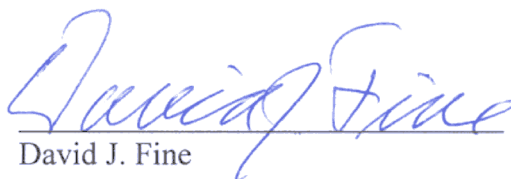
David J. Fine, BBO #165120
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Attorney for Plaintiff

Certificate of Service

I hereby certify that I have this day served the foregoing by causing true copies thereof to be transmitted electronically and mailed, first class postage prepaid, to Siobhan M. Sweeney, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, Massachusetts 02110 and Mark A. Pogue, Esq., Edwards & Angell, LLP, 2800 Financial Plaza, Providence, Rhode Island, 02903, attorneys for defendant.

Dated: January 11, 2006

A handwritten signature in blue ink that reads "David J. Fine". The signature is fluid and cursive, with the first name "David" and last name "Fine" clearly distinguishable.

David J. Fine